## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

SAM HARGROVE, et al., individually and on Behalf of all others similarly situated,

**CIVIL ACTION** 

Plaintiffs,

٧.

SLEEPY'S LLC

C.A. No.: 3:10-CV-01138-PGS-LHG

Defendant.

## PROPOSED ORDER GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT

This matter having come before the Court by way of Plaintiffs' Unopposed Motion for Final Approval, and for certification of a settlement class pursuant to Fed. R. Civ. P. 23, and the Parties' Class Action Settlement Agreement and Release, and for good cause shown,

IT IS on this 14 day of 14, 14

1. The Court has jurisdiction over the Parties and the claims in this case.

- 2. The Court hereby finds that the settlement reached by the Parties satisfies the applicable requirements of Fed. R. Civ. P 23 for settlement purposes only, and grants final approval of the Settlement Agreement.
- 3. The Settlement Agreement is incorporated by reference into this Order and is hereby adopted as an Order of this Court.
- 4. The Court finds that no Settlement Class Members have objected to the Settlement, and no Settlement Class Members have filed exclusion requests from the Settlement.
- 5. The Court hereby makes final its earlier certification of the proposed Settlement Class under Fed. R. Civ. P. 23.
- 6. The Notice of Settlement given to the Settlement Class fully and accurately informed the Settlement Class members of all material elements of the proposed Settlement, and was the best notice practicable under the circumstances, and complied with the requirements of Fed. R. Civ. P. 23.
- 7. Plaintiffs' Counsel will continue efforts to ensure that all class members are contacted and receive their settlement checks. Accordingly, Plaintiffs' Counsel will place calls and send emails to class members where possible, and will issue notice of the settlement in the Patriot-Ledger, The Record, and El Psecial as set out in Plaintiffs' Memorandum and the accompanying Declaration of Harold Lichten.

- 8. The settlement funds shall be distributed in accordance with the terms of the Settlement Agreement, as modified by Plaintiffs' Memorandum and the accompanying Declaration of Harold Lichten.
- 9. Specifically, any proceeds from uncashed settlement checks shall be issued, in a second distribution, to settlement class members who have cashed their initial checks. The second round of settlement checks shall be valid for a period of ninety (90) days.
  - 10.Legal Services of New Jersey is approved as a cy pres beneficiary.
- 11. The Court hereby approved service awards in the amount of \$26,666 each to Plaintiffs Sam Hargrove, Andre Hall, and Marco Eusebio.
- 12. The Court hereby approves an award of attorneys' fees totalling \$1,800,000.00 and costs of up to \$200,000.00 to Plaintiffs' Counsel, in recognition of their continued hard work over the lifetime of this case and the result achieved on behalf of the Settlement Class.
- 13. The Court hereby enters final judgment and dismisses this action with prejudice, with each party to bear its own fees and costs.
- 14. Without affecting the finality of this Judgment in any way, the Court hereby retains continuing jurisdiction over: (a) the implementation of the settlement; and (b) the Parties and their counsel, for the sole purpose of

construing, enforcing and administering the Settlement and this Order and

Judgment.

15. This Order or any finding therein, including any class certification

determination for settlement purposes only, may not be used by any Party or

otherwise or construed as an admission, concession, or a presumption by or

against Defendants of any fault, wrongdoing, failure of disclosure, improper or

illegal business practice or waiver of any claim or defense, that he, she or it may

have in the event the Settlement Agreement is terminated. In the event that this

Order becomes of no force or effect, it shall not be construed or used as an

admission, concession or presumption by or against the Released Parties, the

Plaintiffs or the Class.

IT IS SO ORDERED.

Dated: 5/14/24

Hon. Peter G. Sheridan

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United States District Judge